IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP NO. 15149 of 2006

DATE OF DECISION: 21.9.2006

Smt.Raman Bala and others ....Petitioners

Versus

The State of Punjab and others ....Respondents.

CORAM: HON'BLE MR.JUSTICE J.S. KHEHAR
HON'BLE MR. JUSTICE S.D. ANAND

PRESENT: Mr. C.L.Sharma, Advocate for the petitioners.

J.S. Khehar, J. (oral)

The grievance of the petitioners is that after the petitioners were appointed to the posts of Clerk, they have neither been granted their annual increments, nor have they been confirmed in service. The petitioners, therefore, claim annual increments as well as confirmation.

The petitioners have placed on the record of this case the order of their appointment dated 30.7.1986. The aforesaid order clearly indicates that the petitioners had been appointed against the posts of clerk in the grade of Rs.400-600. It is, therefore, apparent that the petitioners were entitled to annual increments permissible under the aforesaid pay scale.

We have perused various conditions depicted in the appointment order dated 30.7.1986. For purposes of present controversy, clause 11 of the appointment letter is relevant. The same is being extracted hereunder for facility of reference:-

"11. That you shall pass Punjabi Typing Test within six

> months, in case of not doing so you will not be given annual increments."

A perusal of the aforesaid clause reveals that those appointed by the aforesaid order dated 30.7.1986 would have to qualify the Punjabi typewriting test within a period of six months and in case any of those appointed by the said order does not qualify the typewriting test within the prescribed time, he would not be entitled to annual increments. It is, therefore, obvious that the denial of annual increments to the petitioners emerges from the conditions stipulated in clause 11 of their appointment order. In view of the above, it is not possible for us to accept the contention of the learned counsel for the petitioner for the release of annual increments.

The next issue canvassed by the learned counsel for the petitioner pertains to the confirmation of the petitioners. It is impossible to concede confirmation in respect of an employee who has not been allowed a single increment ever since his appointment. We are, therefore, satisfied that the denial of confirmation to the petitioners was wholly justified.

Finding himself in the predicament of the conclusions recorded hereinabove, learned counsel for the petitioners invited our attention to a memorandum dated 22.3.2000, vide which certain employees were exempted from qualifying the typewriting test. It is the vehement contention of the learned counsel for the petitioners that the petitioners should also be exempted from qualifying the typewriting test.

We have perused the aforesaid memorandum dated 22.3.2000. It reveals that only such of the employees who were appointed as Clerks before 24.9.1983 were entitled to the aforesaid exemption. Since the appointment of the petitioners was admittedly after 24.9.1983 (on

30.7.1986), the petitioners cannot claim any benefit of the instructions pertaining to exemption from qualifying the typewriting test.

Dismissed.

(J.S. Khehar)
Judge

(S.D. Anand)
Judge

September 21, 2006.
vig